

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 14, 2023

CASE NO(S): OLT-23-000707

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Lafarge Canada Inc.
Subject:	By-law No. 2023-053
Description:	to facilitate a proposed residential plan of subdivision consisting of approximately 550-600 dwelling units
Reference Number:	BL 2023-053
Property Address:	295 Mountain Road
Municipality/UT:	Town of Collingwood
OLT Case No.:	OLT-23-000707
OLT Lead Case No.:	OLT-23-000707
OLT Case Name:	Lafarge Canada Inc. v. Collingwood (Town)

Heard: November 3, 2023 by Video Hearing

APPEARANCES:

Parties

Lafarge Canada Inc. ("Appellant")

Todco Investments Inc. ("Applicant")

Counsel

Ashley Seely
Kim Mullin (*in absentia*)

Scott Snider

Town of Collingwood (“Town”)

Thomas Sanderson

Simcoe County District School Board
 (“SCDSB”)

Justine Reyes
 Brad Teichman (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON
 NOVEMBER 3, 2023 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the first Case Management Conference (“CMC”) for the appeal brought forward by Lafarge Canada Inc. (“Appellant”) regarding the approved Zoning By-law Amendment (“ZBA”) application of Todco Investments Inc. (“Applicant”) for the property Municipally known as 295 Mountain Road (“Subject Property”) in the Town of Collingwood (“Town”).

[2] The ZBA facilitates a proposed residential plan of subdivision consisting of approximately 550 to 600 residential dwelling units, parkland, trails, a stormwater management pond, and a potential elementary school site.

[3] The Appellant appealed the Town Council decision on the basis that they own and operate a concrete ready-mix plant on adjacent lands located at 555 Tenth Line. The Appellant is concerned that the proposed land uses on the Subject Property have not been planned and developed to minimize and mitigate any potential conflicts with the Appellant’s property.

PROCEDURAL MATTERS

[4] The Tribunal received and marked the Affidavit of Service of the Notice of CMC sworn by Amanda Pryce as **Exhibit 1**. There were no issues with the service of Notice of the CMC and as such, no further notice is required.

[5] Prior to the commencement of the CMC, the Tribunal was in receipt of one Party Status request and received no Participant Status requests.

[6] The lone Party Status request was from the Simcoe County District School Board and this status was granted on consent of the Parties as the proposed development contemplates a new elementary school on the Subject Property.

[7] Counsel for the County of Simcoe attended the proceedings simply to stay informed on the matter and at this time does not wish to be a Party to the proceedings.

[8] The Appellant and Applicant provided the Tribunal with an update on the matter. In summary, the Parties are working diligently together and are optimistic that a full settlement will be reached by the end of next week and indicated that, in the event that minutes of settlement are reached, Tribunal adjudication may not be required.

SECOND CASE MANAGEMENT CONFERENCE

[9] As indicated above in paragraph 8, the Parties expect that the appeal will be resolved over the course of the next week. However, if discussions do not advance as expected the Parties requested that a second CMC then be scheduled in short order.

[10] The intention of the second CMC is to review and approve the draft Procedural Order and Issues List, and to schedule the Hearing of the merits for this matter.

[11] The Appellant is to provide the Case Coordinator with a status update and, if necessary, an agenda for the CMC on or before Monday, November 13, 2023.

[12] The second CMC is scheduled to proceed by video on **Friday, December 1, 2023, at 10:00 a.m.**

[13] Parties and Participants are asked to log in to the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/344779885>

Access code: 344-779-885

[14] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://gotomeeting.com) or a web application is available:

<https://app.gotomeeting.com/home.html>

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling in to an audio-only telephone line: **+1 (647) 497-9373** or **Toll-Free 1-888-299-1889**. The access code is **344-779-885**.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Video Hearing to ensure that they are properly connected to the event at the correct time. Questions prior to the Hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

ORDER

[17] The Tribunal so orders and provides the above directives for the purposes of the Case Management of these proceedings.

“Kurtis Smith”

KURTIS SMITH
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.